COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: November 14, 2003

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FILE NO: IAB #2073206

FROM: **RICHARD L. CASTRO, COMMANDER**
LYNDA R. CASTRO, COMMANDER
MICHAEL G. SAVIDAN, COMMANDER

TO: **ERIC B. SMITH, CAPTAIN**
INTERNAL AFFAIRS BUREAU

SUBJECT: **BERRY, GERALD, DEPUTY #[redacted] CERRITOS STATION, FOR III**
[redacted] DEPUTY #[redacted] CERRITOS STATION, FOR III
LOPEZ, JAMES, DEPUTY #[redacted] CERRITOS STATION, FOR III
[redacted] DEPUTY #[redacted] CERRITOS STATION, FOR III
[redacted] DEPUTY #[redacted] CERRITOS STATION, FOR III
[redacted] DEPUTY #[redacted] CERRITOS STATION, FOR III
[redacted] DEPUTY #[redacted] CERRITOS STATION, FOR III

On September 25, 2002, Deputy Berry responded to a call for service regarding a business dispute. Upon arrival, Deputy Berry saw suspect Ricky Harris attempting to enter what appeared to be a closed business. The incident escalated when Harris broke out the business' front window and entered. Deputy Berry followed the suspect inside in fear that persons inside would be harmed by the suspect. While inside the location, deputy Berry and Harris became involved in an altercation where Harris attempted to take Deputy Berry's gun, resulting in a non-hit shooting. Additional deputies responded to the call and deployed the M-26 taser four times and fired four stunbag shotgun rounds at Harris in an attempt to take him into custody, without success. Eventually, deputies had to tackle Harris to the ground in order to arrest him. Harris received numerous lacerations to both of his hands from breaking the front window of the business. The lacerations required numerous sutures to close and will require future surgery to his right wrist to repair ligament and tendon damage. Harris also sustained a fracture to one of his right ribs.

On August 28, 2003, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all

deputies was reasonable and necessary and in compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies were in compliance with Department policy.

Richard L. Castro, Commander

TABLE OF CONTENTS

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 09-25-02	Bureau/Station/Facility: Cerritos Station	Admin. Invest.? ☐ Hit? ☐

Incident Information

URN: 002-05224-2319-057	Date: 09-25-02 Time: 1745
City or Station: Cerritos Station	Nature of Incident: Deputy Involved Non Hit Shooting
Location: 13856 Bettencourt St. Cerritos	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, (Industrial) [circled], Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, (Daylight) [circled], Other, Street Lights

Weather (*circle only one*): (Clear) [circled], Cloudy, Fog, Rain

Distance: 1-2 ft.

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, (Struggle Involved) [circled], Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, (Call) [circled], Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, (Routine Patrol) [circled]

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Kent	Richard		EM (PM) [circled] Day	(Regular) [circled] Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I.

Street Add[redacted] City [redacted] Zip C[redacted]

Last Name [redacted] First Name [redacted] M.I.

Street A[redacted] City [redacted] Zip C[redacted] Work Ph ---------- [redacted]

Last Name [redacted] First Name [redacted] M.I.

Street A[redacted] City [redacted] Zip C[redacted] Work Ph ---------- [redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	[redacted]	[redacted]		(On Duty) [circled], Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Reynolds	Mike	

PSTD Use Only

SH # 2073206

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
09-25-02	2030		

Employee #	Last Name	First Name	M.I
[redacted]	Morejon	Elier	
[redacted]	Hines	William	
[redacted]	Mauldin	Donnie	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OE	--	--	-	-	LC	HD
S#1	E#1-7	PK	--	--	-	-	NN	NN
E#1	S#1	FH	BR	9	Y	Y	NN	NN
E#1	S#1	PO	-	-	-	-	NN	NN
E#2	S#1	TR	-	-	-	-	PW	CH
E#3	S#1	ST	-	-	-	-	BR	CH
E#4	S#1	CT	-	-	-	-	NN	NN
E#5	S#1	CT	-	-	-	-	NN	NN
E#6	S#1	TT	-	-	-	-	NN	NN
E#7	S#1	OO	-	-	-	-	SD	LE
E#3	S#1	TP	-	-	-	-	NN	NN
E#2	S#1	TR	-	-	-	-	PW	BK
E#3	S#1	ST	-	-	-	-	BR	GR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 002-05224-2318-057

Involved Employee

E 1

Employee # [redacted]	Last Name: Berry	First Name: Gerald	M.I.: W.
Sex: M Race: W.	Rank: Detective	Unit Assignment: Cerritos Station	Work Assignment (Unit #, Module, etc.): 232
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8-10	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted]	Height: 510 Weight: 240		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age:	Height: Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 002-05224-2319-057

Involved Employee

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W.	Cerritos Station	230R

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	180

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Lopez	James	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Cerritos Station	230A

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	505	165

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☒

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	W	Cerritos Station	230S

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	505	135

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	W	Cerritos Station	230GS

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	507	140

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Cerritos Station	230M1

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	205

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

E7

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	W	Cerritos Station	231

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	602	185

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☒

See Other Side

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name Harris		First Name Ricky	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone: ----------	Ho[redacted]	Social Security #: ----------	Driver's License #: ----------
Age: 35 D.O.B. 09-29-68	Height: 602 Weight: 205	FBI # ----------	CII # ----------
Booking # 7429591	Primary Charge: 245 (C)PC	Secondary Charge: 69 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History?[redacted]
Vehicle Make N/A		Model: ----------	Year: ----------

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

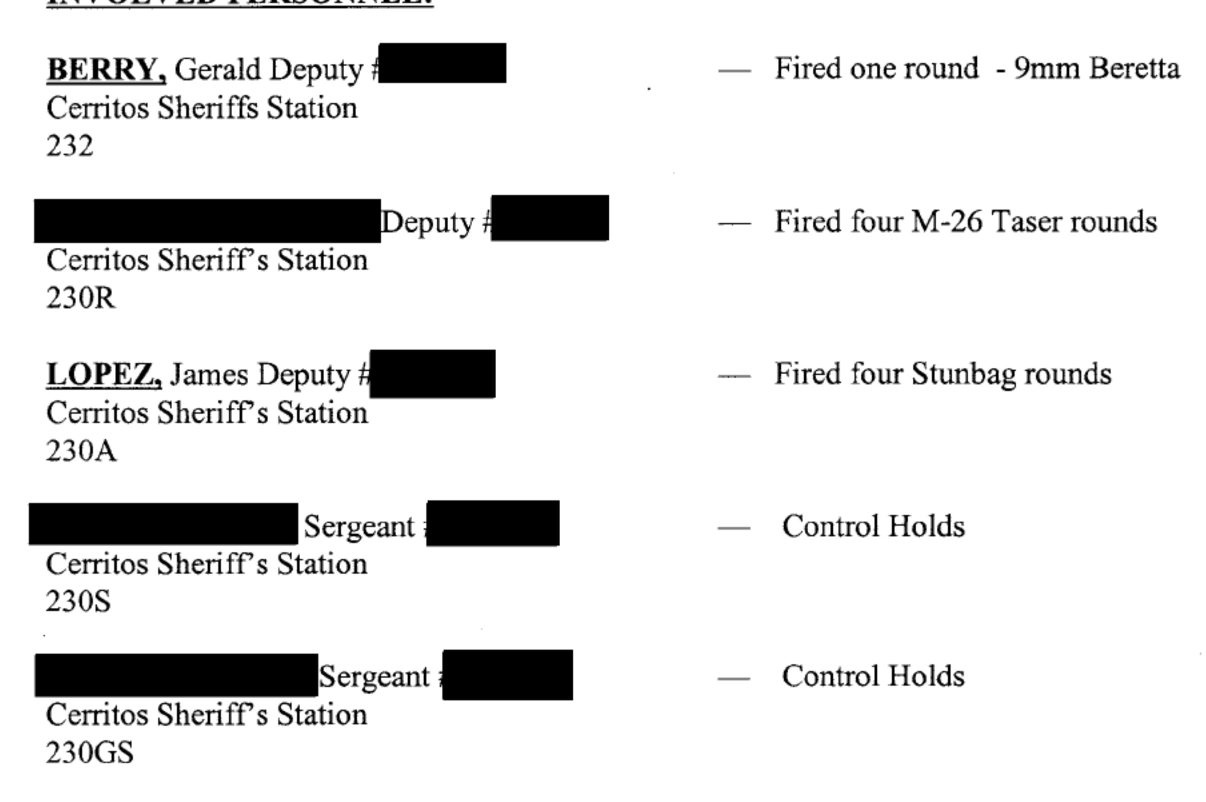
See Other Side

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED NON-HIT SHOOTING
IAB SH-2073206
URN: 002-05224-2319-057

On Wednesday, September 25, 2002, Sergeants Elier Morejon and William Hines along with Lieutenant Donnie Mouldin of the Internal Affairs Bureau responded to 13856 Bettencourt Street, City of Cerritos, regarding a deputy involved non hit shooting. The incident began as a call for service regarding a business dispute. Deputy Gerald Berry arrived and saw a male black attempting to enter what appeared to be a closed business. The incident escalated when the suspect broke out the business' front window and entered. Deputy Berry followed the suspect inside in fear that persons inside would be harmed by the suspect. While inside the location Deputy Berry and the suspect became involved in an altercation where the suspect attempted to take Deputy Berry's gun, which resulted in a non hit shooting.

The summary of this incident is based on information obtained from reports, and other documents regarding Cerritos Station File #002-05224-2319-057, and interviews of involved sworn personnel and civilian witnesses. **(See Exhibit - A)**

<u>INVOLVED PERSONNEL:</u>



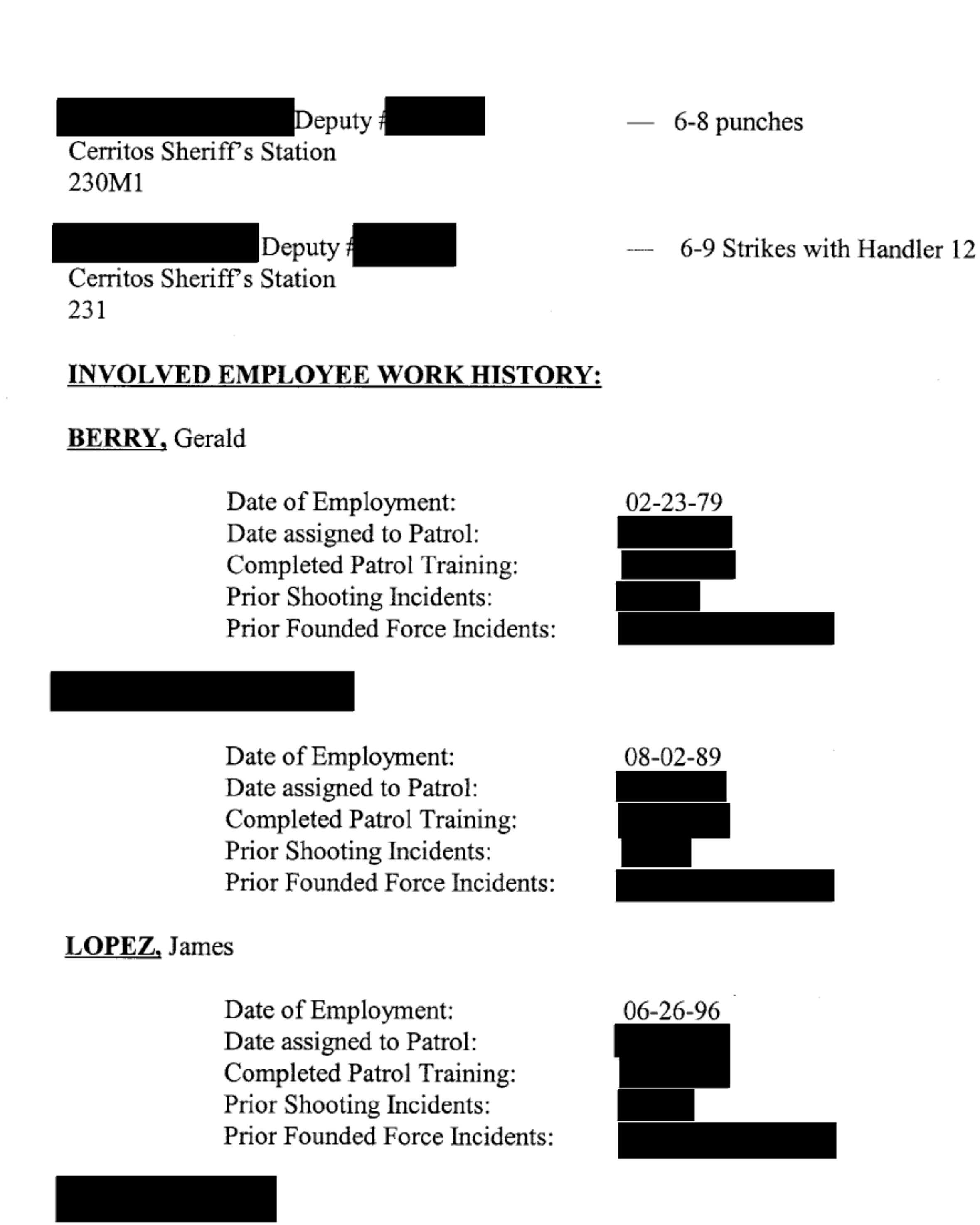
BERRY, Gerald Deputy #[redacted] — Fired one round - 9mm Beretta
Cerritos Sheriffs Station
232

[redacted] Deputy #[redacted] — Fired four M-26 Taser rounds
Cerritos Sheriff's Station
230R

LOPEZ, James Deputy #[redacted] — Fired four Stunbag rounds
Cerritos Sheriff's Station
230A

[redacted] Sergeant #[redacted] — Control Holds
Cerritos Sheriff's Station
230S

[redacted] Sergeant #[redacted] — Control Holds
Cerritos Sheriff's Station
230GS



[redacted] Deputy #[redacted] — 6-8 punches
Cerritos Sheriff's Station
230M1

[redacted] Deputy #[redacted] — 6-9 Strikes with Handler 12
Cerritos Sheriff's Station
231

INVOLVED EMPLOYEE WORK HISTORY:

BERRY, Gerald

Date of Employment:	02-23-79
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted]

Date of Employment:	08-02-89
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

LOPEZ, James

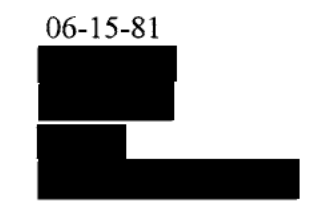
Date of Employment:	06-26-96
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted]

Date of Employment:	01-01-89
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]

[redacted]

Date of Employment: 06-15-81
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

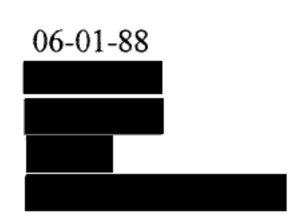


[redacted]

Date of Employment: 01-19-94
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

[redacted]

Date of Employment: 06-01-88
Date assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:



<u>SUSPECT:</u>

<u>HARRIS,</u> Ricky M/B/34. A check of Suspect Harris' [redacted] **(See Exhibit - B)**

<u>SWORN WITNESSES:</u>

<u>KENT,</u> Richard Deputy [redacted] Cerritos - 234

<u>CIVILIAN WITNESSES:</u>



[redacted] MW/ [redacted]

[redacted] FH/ [redacted]



[redacted] MH/[redacted]
[redacted]

INJURIES:

Suspect Harris was transported to UCI Medical Center where he was treated by Doctor Michael Lekawa. Suspect Harris received numerous lacerations to both of his hands from breaking the front window of the business. The lacerations required numerous stitches and will require surgery to his right wrist to repair ligament and tendon damage. He also sustained a fracture to one of his right ribs. **(See Exhibit - C)**

> **IAB NOTE: Suspect Harris was released on September 27, 2002 from UCI Medical Center. As he was being transported to Inmate Reception Center by deputies, force was necessary in order to place him in the patrol car. (See Exhibit - D)**
>
> **IAB NOTE: Deputy Berry only received minor scrapes to his left hand. He was treated and released without any work restrictions. (See Exhibit - E)**

PHYSICAL EVIDENCE:

All physical evidence at the location was photographed and recovered by Crime Lab Deputy Dale Fallacon. The following items were photographed and recovered as evidence; four expended stunbag cartridges, four expended Taser dart cartridges, one 9mm bullet casing. The entire scene was photographed, sketched and video taped. **(See Exhibit - F).**

INVESTIGATOR OBSERVATIONS:

The location of the incident is a business located on the south side of the street surrounded by industrial type business. The front door and adjacent walls are made of glass, although at the time of this incident the front door had been covered by a piece of plywood. The front of the business is compromised of offices and a hallway which leads into a kitchen area before entering to the rear warehouse. Investigators saw that the plate of glass just to the east of the front door was completely smashed out. Investigators entered the business and saw an enormous amount of blood throughout the offices and hallway walls and floor. In the warehouse investigators observed several expended stunbag cartridges and taser cartridges. Also inside the warehouse was a large amount of blood on the floor. Towards the southwest corner of the warehouse investigators saw four expended stunbag cartridges in front of a pile of rolled carpeting which was laying on a wooden pallet. The pile of rolled carpeting appeared as if someone had pushed it over and had thrown some of the pieces in a northerly direction.

WEAPONS USED BY DEPUTY PERSONNEL:

Los Angeles County Sheriff's Department Beretta 9mm handgun, Stunbag shotgun, M-26 Taser, Handler 12, and control holds.

WEAPONS USED BY SUSPECT:

Metal bar and personal weapons.

PROPERTY DAMAGE:

Front window to the business, several broken interior doors and a bullet hole on one of the inside walls of the warehouse.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Suspect Harris was arrested and felony charges for Assault on a Peace Officer, 245(c) PC, Vandalism, 594PC and Obstructing a Public Officer, 69 PC were presented to the Norwalk District Attorney for filling considerations. Suspect Harris plead guilty to 69 PC and received 78 days in jail and five years Felony Probation. **(See Exhibit - G)**

LIGHTING AND WEATHER CONDITIONS:

This incident occurred during daylight hours. The weather was dry and clear.

INVOLVED EMPLOYEE'S STATEMENTS:

DETECTIVE GERALD BERRY:

Deputy Berry was working as Cerritos 234 Pm's on overtime, but his normal assignment is as a station detective. Deputy Berry received a call for service at the described location as the assisting unit to 234. The call indicated a business dispute and that there was a male banging on the locations front door. The informant indicated he believed the male was someone who had "417" (displayed a gun) him last month. While Deputy Berry drove to the location the call was updated to that of a male that had attempted a burglary and that a white vehicle was parked in front of the location.

Deputy Berry arrived and as he drove up the driveway he saw a small white vehicle parked in front of the location in the parking lot facing north. He also noticed a male black (later identified as Suspect Harris) wearing a white shirt an pants standing near the business' front door. Deputy Berry parked his vehicle at an angle towards Suspect Harris and the business' front door. Deputy Berry believing that this was the source of the call ordered Suspect Harris to walk away from the door and walk over to his patrol car. Suspect Harris refused and said, "I'm not going anywhere." Deputy Berry again ordered Suspect Harris to walk to his patrol car. This seemed to agitate Suspect Harris.

Deputy Berry fearing that Suspect Harris might be armed and his observations of his behavior, he drew his departmentally issued pistol and pointed it at Suspect Harris, again ordering him to step away from the business and walk over to his vehicle.

Suspect Harris became very upset, turned away, started yelling and bent over at the waist towards the business' window just to the left of the front door. Suspect Harris, with his bare hands, pulled off a metal bar that was protecting the windows glass. Suspect Harris continued to yell as he smashed out the window with the metal bar. He then pushed his body through the remaining glass, entering the location, by using the metal bar and his hands. As this was occurring, Deputy Berry heard an update via his handheld radio that the informant of the call was still inside the location. Due to the fact the call indicated that the informant was still inside, Suspect Harris was armed with a metal bar, coupled with the fact the original call stated that Suspect Harris might have displayed a weapon towards the informant on a prior incident, Deputy Berry fearing for the safety of the informant entered and followed Suspect Harris inside the location. As he entered the location he requested assistance via his hand held radio.

Suspect Harris walked throughout the offices while holding the metal bar in his hand. Deputy Berry, with his weapon still drawn, ordered Suspect Harris numerous times to put the metal bar down and lie on the floor. Suspect Harris would not comply and continued looking through the offices as if he was looking for someone. Suspect Harris walked through a hallway from the offices towards the rear which led into a break room. Suspect Harris sat down on a chair in the break room as he bled profusely from his arms and wrists. Deputy Berry continued ordering Suspect Harris to get down on the ground and place the metal bar down. Suspect Harris did not comply with Deputy Berry's orders and suddenly stood up and walked back towards the hallway, still holding the metal bar in his hand. Deputy Berry backed up into the hallway as Suspect Harris closed the distance between the two of them. Suspect Harris turned into the hallway and walked south towards the warehouse away from Deputy Berry. Suspect Harris opened the door at the end of the hallway which led into the warehouse and walked inside. Deputy Berry lost sight of Suspect Harris for a split second as he went through the door. Deputy Berry followed Suspect Harris into the warehouse where he was immediately confronted by him as he went through the door. Suspect Harris closed the distance between himself and Deputy Berry enough to reach out with his left hand and grab for Deputy Berry's pistol. He managed to touch the barrel portion causing the pistol to move to the right. Deputy Berry felt resistance on the barrel of the pistol as it moved to the right. Due to the proximity of Suspect Harris, coupled with the fact he was still holding the metal bar and his apparent attempt to take the weapon, Deputy Berry fearing for his life fired one round at Suspect Harris in an attempt to stop his assault.

Immediately after the shot, Suspect Harris backed up a few feet and re-grabbed the metal bar with both hands. Suspect Harris was bleeding profusely from cuts which he received from the glass window which he broke. Due to the amount of blood Suspect Harris was losing, Deputy Berry was unable to tell whether he had shot Suspect Harris or not. Deputy Berry re-holstered his weapon and because of the proximity of Suspect Harris he grabbed the metal bar and a struggle ensued. Suspect Harris released his grip of the metal bar and with his left open hand started to hit Deputy Berry in the head. As Suspect Harris hit Deputy Berry, blood from his hands was splattering on Deputy

Berry's face, uniform and body. While struggling for the metal bar, Deputy Berry continued to tell Suspect Harris to let go of the metal bar and lie on the floor. Suspect Harris became even more upset and started to yell at Deputy Berry telling him that he would not let go because Deputy Berry was "the devil." Deputy Berry said he recalled the baton takeaway techniques that he was taught at the academy so he used them in this situation. Suspect Harris fell backwards but still held on to part of the metal bar. Deputy Berry was able to use the end of the metal bar to strike Suspect Harris, hitting him on the left side of his neck and head until Suspect Harris finally released his hold on the metal bar.

Deputy Berry backed away from Suspect Harris at this time which gave him room to walk by him and enter the office space of the business once again. Suspect Harris walked back to the front office where he had smashed the front window. At this time, Deputy Berry saw Deputy [redacted] entering the front office. Deputy [redacted] shot Suspect Harris with an M-26 taser gun. This had no effect on Suspect Harris at all. Suspect Harris turned around and walked towards the rear of the offices once again. He entered the break room which had a set of closed double doors leading into the warehouse. Suspect Harris pushed open the doors and as he entered the warehouse, Deputy [redacted] shot him a second time with the M-26 taser gun. Again, this had no effect on Suspect Harris. He walked towards the rear of the warehouse, ignoring orders to stop, Deputy [redacted] shot him a third time with the taser gun. Still no effect on Suspect Harris. He walked to the rear of the warehouse and stopped behind a pile of rolled up carpet. Deputy Lopez arrived with a stunbag shotgun and numerous more attempts were made to have Suspect Harris give up and lie on the floor. Suspect Harris did not comply and instead started to throw the rolled up carpet at the deputies. It was at this time that Deputy Lopez fired four rounds from the stunbag shotgun at Suspect Harris' upper torso area. All four rounds appeared to have made contact with Suspect Harris but with no effect. Suspect Harris started to walk towards the east side of the building where he came to a door which led to the outside. Suspect Harris opened the door and started to walk outside when he was shot for a fourth time by Deputy [redacted] with the M-26 taser gun. Suspect Harris started to run away northbound through the parking lot. Deputy Berry said that deputies gave chase knocked Suspect Harris to the ground where he was finally handcuffed and taken into custody.

DEPUTY [redacted]

Deputy [redacted] arrived at the scene and saw that the front window to the location was broken and Sergeant [redacted] was stepping through it entering the location. He saw Deputy Berry inside the location holding a metal bar in his hand. Sergeant [redacted] assumed a position next to Deputy Berry as Deputy [redacted] ran back to his patrol car and retrieved the M-26 taser gun. Deputy [redacted] ran back and entered the office through the broken window. Deputy [redacted] and Sergeant [redacted] repeatedly gave commands to Suspect Harris to get down on the floor. Suspect Harris did not comply with the orders given so Deputy [redacted] shot him once in the upper torso with the M-26 taser. Suspect Harris fell against the east wall and pulled the darts out from his body. Suspect Harris then walked southbound through a hallway and entered a break room. As they entered the break room, Deputy [redacted] shot Suspect Harris a second time in the upper torso with the M-26 taser. Suspect Harris again was able to pull the darts off of his body and walked into the warehouse. Suspect Harris started walking south through the warehouse as Deputy [redacted] gave him

commands to stop. Deputy [redacted] shot him a third time striking his upper torso. Suspect Harris, again pulled the darts out as he walked away and to the rear of the warehouse.

Suspect Harris was given commands repeatedly by all the deputies present but he did not comply. Deputy [redacted] saw Deputy Lopez, after several commands, fire four rounds from a stunbag shotgun striking Suspect Harris in the upper torso. This did not have any effect on Suspect Harris' behavior as he started to walk east towards a door which led to the outside. Suspect Harris opened the door and exited. He was confronted by containment deputies who ordered him numerous times to lay down. Suspect Harris did not comply and Deputy [redacted] shot him a fourth time in the back with his M-26 taser. Suspect Harris started to run northbound while Deputy [redacted] still held the M-26 taser on him. Deputy [redacted] caught up to Suspect Harris and knocked him to the ground where with the help of assisting deputies they were able to handcuff Suspect Harris and take him into custody.

DEPUTY JAMES LOPEZ:

Deputy Lopez arrived at the location along with Deputy [redacted] and Sergeant [redacted] He ran inside the office area and said that after several feudal attempts to have Suspect Harris give up and lie on the floor, Deputy [redacted] shot him once with the M-26 taser. The taser had no effect on Suspect Harris and because of the ineffectiveness of the taser gun, Deputy Lopez exited the business and ran back to his patrol car and retrieved the stunbag shotgun. Deputy Lopez ran back and entered the location again and located Suspect Harris at the south portion of the warehouse. He was being given orders by Deputy [redacted] and Sergeant [redacted] to lie down and give up. Deputy Lopez pointed his stunbag shotgun at the suspect and instructed him to get on the floor, he did not comply. Deputy Lopez fired four stunbag rounds at Suspect Harris striking him three times in the chest and once in the groin. The stunbag rounds where ineffective and the suspect started picking up objects and throwing them at the deputies.

Deputy Lopez again ran back to his car and retrieved his M-26 taser gun and ran back into the location. He gave his M-26 taser gun to Deputy [redacted] who had followed the suspect outside through an east door. Deputy [redacted] shot Suspect Harris in the upper torso with the M-26 taser, which was again ineffective. Suspect Harris started to run northbound through the parking lot as Deputy [redacted] gave chase and knocked him to the ground. Deputy Lopez with the assistance of several other deputies was able to restrain Suspect Harris and handcuff him.

SERGEANT [redacted]

Sergeant [redacted] 230S, responded to 13856 Bettencourt Street, regarding a deputy holding a suspect armed with a metal bar at gun point. Sergeant [redacted] arrived and saw that the front window to the location was smashed and the glass was strewn about the ground. She saw Deputy Lopez standing near Deputy Berry's vehicle which was parked in the east driveway in front of the location. Sergeant [redacted] met with Deputy Lopez who told her Deputy Berry was somewhere inside the location. At this time Deputy [redacted] arrived and all three of them approached the front of the location. As Sergeant [redacted] approached the broken window she looked inside and saw Deputy Berry standing

inside and covered with blood while holding a metal bar in is hand. She also saw Suspect Harris in a combative stance near the east wall, he was also covered with blood. Sergeant [redacted] entered the location with her weapon drawn and pointed it at Suspect Harris while Deputy [redacted] returned to his vehicle to retrieve the M-26 taser. Sergeant [redacted] told Deputy Lopez to return to his vehicle and retrieve his stunbag shotgun. While inside the location Sergeant [redacted] and Deputy Berry continually ordered Suspect Harris to lie down on the floor, however he did not comply.

Deputy [redacted] returned with the taser and after numerous request to lie down without compliance he fired one round from his M-26 taser at Suspect Harris striking him in the upper torso. Suspect Harris immediately pulled out the taser darts and started to run through a hallway and into a break room. Sergeant [redacted] Deputy Berry and Deputy [redacted] followed Suspect Harris into the break room. Suspect Harris ran towards a set of double doors that led into the warehouse, he was ordered to stop but did not comply. Deputy [redacted] shot him a second time with the M-26 taser. Again, the taser seemed to have little to no effect on Suspect Harris. Suspect Harris pushed his way through the double doors and entered the warehouse. Sergeant [redacted] entered the warehouse where she saw Deputy [redacted] shoot Suspect Harris a third time with the M-26 taser. Suspect Harris continued to walk south through the warehouse and stood behind a pile of rolled up carpeting. They continued to give Suspect Harris orders to give up and lie down. He did not comply and instead picked up the rolls of carpeting and started to throw them at Sergeant [redacted] Deputy [redacted] Deputy Berry and Deputy Lopez. Suspect Harris started to advance towards them as he threw the carpeting. Deputy Lopez at this time, from about forty feet away, fired four rounds from his stunbag shotgun at Suspect Harris striking his upper torso. This also seemed to have little effect on Suspect Harris. He then walked east through the warehouse and stopped, faced the rear wall and started to manipulate an electrical box in an attempt to turn off the lights to the warehouse. He then continued walking east through the warehouse until he reached a door which led to the parking lot. He opened the door and walked outside where he was met by Deputies [redacted] and [redacted] Deputy [redacted] exited and shot Suspect Harris a fourth time with his M-26 taser as he started to run north. Suspect Harris did not stop for the taser and continued to run north with Deputies [redacted] and Sergeant [redacted] following. Deputy [redacted] knocked Suspect Harris to the ground were he struggled. Sergeant [redacted] restrained Suspect Harris' legs while remaining deputies attempted to handcuff him. A "TARP" was applied on Suspect Harris because his continues attempts to kick deputy personnel. He was handcuffed and taken into custody without any further incident.

SERGEANT [redacted]

Sergeant [redacted] 230GS, responded to 13856 Bettencourt Street, regarding an assistance request by Deputy Berry. She arrived and saw Deputy Lopez running from the location to the rear of his patrol car where he retrieved a M-26 Taser gun. Deputy Lopez and Sergeant [redacted] entered the location through the broken window and she followed him to the rear of the warehouse. As they reached an open door at the east side of the warehouse, she saw deputy personnel standing just inside of it. She then heard deputies yelling commands at the suspect but from her vantage point, she could not see anyone outside. Upon exiting, Sergeant [redacted] saw Suspect Harris run approximately ten feet away from the deputies, stop and suddenly turn towards them. Deputy [redacted] then

deployed his M-26 taser striking Suspect Harris in the upper torso. Suspect Harris was unaffected by the taser and ran northbound through the parking lot as deputies gave chase. Sergeant [redacted] saw Deputy [redacted] push the suspect from behind, Deputy [redacted] grabbed him around the shoulder and Deputy [redacted] was striking him in the legs with his "Handler 12" baton. Suspect Harris fell to the ground where he struggled violently in an attempt to get up. Sergeant [redacted] took Suspect Harris' right arm and tried to place it behind his back but he struggled and would not allow her to do so. She and Deputy [redacted] were finally able to physically and with the use of the Handler-12, pull his arm from under his body and place it behind his back. Suspect Harris was finally handcuffed and a "TARP" device was then placed on his legs because he continued to kick at deputy personnel.

DEPUTY [redacted]

Deputy [redacted] responded to 13856 Bettencourt Street, in response to an assistance request regarding a deputy involved shooting. He arrived at he location and was told by Deputy Lopez to respond to the rear and east side of the building. He responded and met with Deputy [redacted] who was pointing his pistol at a door on the east side of the building which led to the parking lot. Deputy [redacted] got off his motorcycle, drew his gun, and about that time he saw the door open. A male exited covered in blood followed by Deputy Berry who was also covered in blood. Deputy Berry told Deputies [redacted] and [redacted] that Suspect Harris was very combative and unresponsive to any commands. Deputy [redacted] ordered Suspect Harris to lie on the ground several times, which met with negative results. Approximately fifteen to thirty seconds later Deputy [redacted] exited the warehouse armed with an M-26 taser and fired one round at Suspect Harris striking him in the upper torso. The taser seemed to have no effect on Suspect Harris as he started to run away north through the parking lot. Deputy [redacted] followed the suspect and knocked him to the ground. Suspect Harris immediately jumped up to his feet and attempted to run away again at which time Deputy [redacted] tackled him from behind.

While on the ground, Suspect Harris was fighting, kicking and twisting his body. Deputy [redacted] in an effort to control Suspect Harris, punched him six to eight times in the left shoulder blade with his closed fist. After a considerable struggle, Deputy [redacted] was finally able to pull Suspect Harris' left arm from under his body. Deputy [redacted] then handcuffed Suspect Harris' left wrist and held it behind his back while Deputy [redacted] struggled to control the right arm. He saw Deputy [redacted] use his Handler 12 baton to pry the suspects right arm out from under his body. Deputy [redacted] was finally able to bring the suspects right arm behind his back and Deputy [redacted] handcuffed him. After being handcuffed, Suspect Harris continued to struggle and kick his legs at which time a "TARP" device was placed around his legs to gain control.

DEPUTY [redacted]

Deputy [redacted] responded to 13856 Bettencourt Street, in response to an assistance request. Deputy [redacted] responded to the southeast corner of the location and took up a containment spot. While waiting, he saw a pedestrian door on the east side of the building open and a male covered with blood exited. He then saw Deputy Berry exit, who was also covered with blood. Deputy [redacted]

drew his pistol and ordered the suspect to lie on the ground. Suspect Harris responded by telling Deputy [redacted] "Stop in the name of Jesus." Deputy [redacted] then saw Deputy [redacted] exit the building and after several verbal orders to lie on the ground, with no compliance, Deputy [redacted] deployed one shot from his M-26 taser striking Suspect Harris in the upper torso. Suspect Harris started to run northbound as deputies gave chase. Deputy [redacted] struck Suspect Harris three to five times in the right knee using his Handler-12. This did not cause the suspect to slow down. Deputy [redacted] finally pushed Suspect Harris to the ground where a struggle ensued. While on the ground Suspect Harris fought, kicked and struggled. He continually failed to comply with the orders given, therefore Deputy [redacted] again struck him three to four more times in the right leg with his Handler-12. Deputy [redacted] attempted to physically pull Suspect Harris' right arm from under his body but was unsuccessful. Deputy [redacted] elected to use his Handler-12 and pry back Suspect Harris right arm. He was successful in prying back his right arm and it was at this time that Deputy [redacted] handcuffed Suspect Harris. After being handcuffed Suspect Harris continued to kick at deputy personnel and therefore a TARP device was deployed and placed around his legs. No further force was used against Suspect Harris.

SWORN WITNESS STATEMENTS:

DEPUTY RICHARD KENT

Deputy Kent was the handling unit, 234, to a disturbance call at 13856 Bettencourt Street, City of Cerritos. He arrived at the location and saw several radio cars in front of the location along with a broken front window to the location. He entered the location and immediately heard what sounded like deputy personnel yelling, "Get down on the floor." He ran towards the voices at the southwest corner of the warehouse. He saw Suspect Harris standing and not following any directions that were being given to him. He then saw Deputy Lopez shoot Suspect Harris four times with his stunbag shotgun. He also saw Deputy [redacted] holding a taser in his hand, but never saw him use it. Suspect Harris walked to a door on the east side of the building and exited. He was confronted by Deputies [redacted] and [redacted] who ordered him to lay down on the ground. Deputy Kent then saw Suspect Harris run northbound with Deputies [redacted] and [redacted] chasing him until they knocked him to the ground.

CIVILIAN WITNESSES STATEMENTS:


[redacted] MW/[redacted]

Witness [redacted] said he was inside the warehouse when he heard someone banging on the front door of the location. He walked to the front and looked through the blinds and saw a male black which he thought he recognized as a man who he had testified against in a recent court case. Witness [redacted] became scared and called 911. He said while on the phone he saw Deputy Berry arrive and contact the suspect. He walked back to the warehouse to advise another employee (Mr. [redacted]

[redacted] that he should exit the warehouse. While he walked to the back of the warehouse he heard glass breaking, he became scared and ran along with Mr. [redacted] out of the warehouse and across the street. He looked back towards the business while across the street and saw Deputy Berry entering the location through the broken front window. He said he heard or saw nothing else.

[redacted] FH/ [redacted] and [redacted] MH/ [redacted]

Witness [redacted] and [redacted] were interview and said basically the following. They drove to the location in order to pick up their [redacted] who [redacted] They parked their car on th east parking lot of the location. As they waited they saw a male black standing at the door of the business and appeared to be pushing on it. Several minutes later, a sheriff's car arrived and a deputy exited. They said that it appeared that the male was not doing what the deputy instructed him to do because they kept hearing the deputy say, "put it down." Soon after, they heard glass breaking and a loud crash. Minutes later numerous Sheriff's cars started to arrive and deputies were running towards the front of the location. They became scared and drove away from the location and onto another parking lot where they exited their car and walked away. They returned after they thought everything was fine to see the male black being put into an ambulance. They said that from where they were originally parked they really could not see the entire front of the business but could clearly hear what was being said.

SUSPECT STATEMENT:

SUSPECT RICKY HARRIS:

Investigators interviewed Suspect Harris at Twin Towers Facility. Suspect Harris told us that he had received a note from his [redacted] that he needed to go see his doctor. He took the car and drove to his doctors office (13856 Bettencourt Street, Cerritos) but the door was closed. He started to yell, "In the name of Jesus, please open." No one would open the door for him, but he knew it was his doctors office because he recognized it. He said a deputy told him, "come here." He said he did not come over to the deputy because, "I am the son of God. I thought he was the devil." Suspect Harris remembers being shot with stunbag and tasers and remembers pulling off the tasers. He does not remember grabbing onto Deputy Berry's gun. He said they tackled him to the ground and handcuffed him.

> **IAB NOTE: Suspect Harris is under the care of Doctor Jim Leonard and is diagnosed as a Schizophrenic and is prescribed "Zyprexa." He is to take his medication on a daily basis. The investigation discovered that he had not taken his medication since about Sunday (09-22-02). During Suspect Harris' interview with Detective Randy Algra from Cerritos Station he told him that the deputies were "demons" and that "He was at the location to save the children of the world."**